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September 27, 2004

VIA FACSIMILE

To: Examiner Joseph A. Fischetti  
Group Art Unit No. 3627  
U.S.P.T.O.

Facsimile No.: (703) 872-9306

From: Phillip E. Miller

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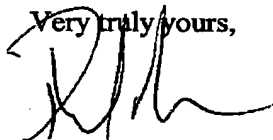
Re: Enclosed Response  
U.S. Patent Application Serial No. 09/916,679  
Our Ref: YOR.234

Dear Examiner Fischetti:

Please find enclosed a Response to the First Office Action dated August 26, 2004 which should place this case in condition for allowance.

Thank you in advance for your consideration on this case.

Very truly yours,



Phillip E. Miller

PEM/lmb  
Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of

Stephen J. Boies, et al.

Serial No.: 09/916,679

Group Art Unit: 3627

Filed: July 30, 2001

Examiner: Joseph A. Fischetti

For: SYSTEM AND METHOD FOR BUYING AND SELLING MERCHANDISE

Honorable Commissioner of Patents  
Alexandria, VA 22313-1450

**RESPONSE TO FIRST OFFICE ACTION AND RESTRICTION REQUIREMENT  
AND AMENDMENT UNDER 37 C.F.R. §1.111**

Sir:

In response to the Office Action dated August 26, 2004, please amend the above-identified application as follows: